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REGISTER OF ACTIONS

CASE NO. 22CV24876

The Estate of Sharon S. Newton vs Life Care Centers of America, Inc.,
McMinnville Medical Investors, LLC, Developers Investment Company,
Inc.

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§
§
§
§

Case Type: **Tort - General**
Date Filed: **07/28/2022**
Location: **Multnomah**

PARTY INFORMATION

		Attorneys
Defendant	Developers Investment Company, Inc.	
Defendant	Life Care Centers of America, Inc. <i>Doing Business As</i> Life Care Center of McMinnville	
Defendant	McMinnville Medical Investors, LLC	
Plaintiff	The Estate of Sharon S. Newton	

EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS		
07/28/2022	Complaint		
	<i>Personal Injury; NOT SUBJECT TO MANDATORY ARBITRATION</i>		
	Created: 07/28/2022 3:16 PM		
07/28/2022	Service		
	Life Care Centers of America, Inc.	Served	08/11/2022
		Returned	08/29/2022
	McMinnville Medical Investors, LLC	Served	08/11/2022
		Returned	08/29/2022
	Developers Investment Company, Inc.	Served	08/11/2022
		Returned	08/29/2022
	Created: 07/28/2022 3:16 PM		
08/29/2022	Summons		
	Created: 08/30/2022 10:11 AM		
08/29/2022	Proof - Service		
	Created: 08/30/2022 10:11 AM		
08/29/2022	Summons		
	Created: 08/30/2022 10:11 AM		
08/29/2022	Proof - Service		
	Created: 08/30/2022 10:11 AM		
08/29/2022	Summons		
	Created: 08/30/2022 10:11 AM		
08/29/2022	Proof - Service		
	Created: 08/30/2022 10:11 AM		

FINANCIAL INFORMATION

	Plaintiff The Estate of Sharon S. Newton		
	Total Financial Assessment		884.00
	Total Payments and Credits		884.00
	Balance Due as of 09/09/2022		0.00
07/28/2022	Transaction Assessment		884.00
07/28/2022	xWeb Accessed eFile Receipt # 2022-493150	The Estate of Sharon S. Newton	(884.00)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

DAROLD D. NEWTON, as Personal
Representative for the ESTATE OF SHARON
S. NEWTON,

Plaintiff,

v.

LIFE CARE CENTERS OF AMERICA, INC., a
Tennessee corporation, dba LIFE CARE
CENTER OF MCMINNVILLE, an assumed
business name, MCMINNVILLE MEDICAL
INVESTORS, LLC, a Tennessee limited
liability company, DEVELOPERS
INVESTMENT COMPANY, INC., a
Tennessee corporation,

Defendants.

Case No.

COMPLAINT

(Personal Injury—Sexual Abuse of an Elderly
or Vulnerable Person/*Respondeat Superior*;
Intentional Infliction of Emotional
Distress/*Respondeat Superior*; Negligence;
Statutory Negligence; Elder Abuse)

JURY TRIAL DEMANDED

(CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION)

Prayer amount: \$5,025,000.00 (plus Treble
Damages and Attorney Fees)

Fee Authority: ORS 21.160(1)(d)

PLAINTIFF ALLEGES:

(ALLEGATIONS COMMON TO ALL CLAIMS)

1.

At all times mentioned herein, Plaintiff is the duly-appointed personal representative for
the Estate of Sharon S. Newton.

2.

At all times mentioned herein, Defendant Life Care Centers of America, Inc., doing
business as Life Care Center of McMinnville ("Life Care"), was and is a Tennessee corporation,

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1 authorized to do business in Oregon and generally in the business of providing health care,
2 skilled-nursing care, and assisted living services to vulnerable individuals, particularly to the
3 elderly and disabled.

4 3.

5 At all times mentioned herein, Defendant McMinnville Medical Investors, LLC, ("Medical
6 Investors") was and is a Tennessee limited liability company, authorized to do business in
7 Oregon, and generally in the business of providing health care, skilled-nursing care, and
8 assisted living services to vulnerable individuals, particularly to the elderly and disabled.

9 4.

10 At all times mentioned herein, Defendant Developers Investment Company, Inc.,
11 ("Developers Investment") was and is a Tennessee corporation, authorized to do business in
12 Oregon and generally in the business of providing health care, skilled-nursing care, and
13 assisted living services to vulnerable individuals, particularly to the elderly and disabled.

14 5.

15 At all times mentioned herein, Defendants, collectively or individually, operated a skilled-
16 nursing and rehabilitation facility ("Defendants' Facility") at 1309 NE 27th Street in McMinnville,
17 Yamhill County, Oregon. Plaintiff's decedent, Sharon Newton, was a resident and/or patient at
18 Defendants' Facility since approximately September of 2018 after having suffered a stroke and
19 in need of assistance.

20 6.

21 At all times mentioned herein, Santiago Campos-Brambila ("Campos-Brambila") was
22 Defendants' employee, working at Defendants' Facility as a certified nursing assistant ("CNA"),
23 and was acting within the course and scope of his employment and/or his employment placed

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1 him in contact with vulnerable patients, including Plaintiff's Decedent, Sharon Newton. As a
2 CNA, Campos-Brambila's role was to care for, and attend to, the needs of Defendants'
3 residents and patients. As a CNA, Campos-Brambila was placed in a position of trust,
4 confidence and one in which he had access to elderly and vulnerable individuals, including
5 Plaintiff's Decedent.

6 7.

7 Defendants authorized and empowered Campos-Brambila to perform all duties of a CNA
8 and placing Campos-Brambila in close contact with vulnerable and elderly individuals as part of
9 his employment. Said employment enabled Campos-Brambila to conduct actions which
10 included changing of adult incontinence briefs, cleaning or washing of genitals and the areas of
11 sexual organs, and to have access to patients' personal or intimate space, including Plaintiff's
12 Decedent. Defendants knew, or reasonably should have known, that as part of his duties as a
13 CNA, Campos-Brambila would be placed in a position of trust, confidence and one having
14 access to elderly and vulnerable individuals, including Plaintiff's Decedent. At all times relevant
15 to this Complaint, Defendants authorized or ratified Campos-Brambila's conduct in performing
16 duties as a CNA.

17 8.

18 While performing duties of a CNA within Defendants' Facility, and for the purpose of
19 furthering his duties in that role, Campos-Brambila befriended Plaintiff's Decedent, gained her
20 trust and confidence over the course of his care for her physical needs, and spend substantial
21 time with Plaintiff's Decedent while acting as one of her CNAs. As a result, Campos-Brambila
22 gained Plaintiff's Decedent's trust and complied with directions or instructions he gave to her.
23 This course of conduct is referred to in this Complaint as "Grooming." Alternatively, or in

24
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1 conjunction with the Grooming activity, Campos-Brambila acted as a person with authority over
2 Plaintiff's Decedent as a caregiver, resulting in Plaintiff following Campos-Brambila's
3 instructions.

4 9.

5 Using his authority and position of trust as a CNA in Defendants' Facility, and through
6 the Grooming process, Campos-Brambila instructed and directed Plaintiff's Decedent to position
7 herself in ways that enabled and furthered Campos-Brambila to sexually assault Plaintiff's
8 Decedent as discussed below. Campos-Brambila's Grooming actions and/or his actions as a
9 CNA for Plaintiff's decedent were:

- 10 9.1. Committed in direct connection with and for the purpose of fulfilling his
11 employment and agency with Defendants;
12 9.2 Committed within the time and space limits of his agency as a CNA;
13 9.3 Done initially and, at least in part, from a desire to serve the interests of
14 Defendants;
15 9.4 Done directly in the performance of his duties as a CNA;
16 9.5 Consisted generally of actions of a kind and nature which Campos-Brambila was
17 required to perform as a CNA;
18 9.6 Done at the direction of, and pursuant to, the power vested in him by Defendants.

19 Defendants, through their agents, had a right to control Campos-Brambila's Grooming of
20 patients and/or residents of Defendants' Facility as a CNA and/or Campos-Brambila's
21 interactions with Plaintiff's decedent as a CNA. Alternatively, or in conjunction with the
22 Grooming process, Campos-Brambila's authorized actions as a CNA led to and/or resulted in
23 the sexual abuse of Plaintiff's Decedent.

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10.

Campos-Brambila, as a CNA and health care worker employed by Defendants, and while on Defendants' Facility's premises, engaged in intentional conduct resulting in physical injury, mental injury, sexual abuse and sexual exploitation of Plaintiff's Decedent. Specifically, on or about August 3, 2020, and perhaps on other occasions, Campos-Brambila sexually penetrated Plaintiff's Decedent's vagina and/or rectum with one or more fingers and/or erect penis. All instances of abuse at issue in this Complaint occurred in the context of Campos-Brambila's CNA activities and while Plaintiff's Decedent was a resident and/or patient at Defendants' Facility.

11.

As described in paragraphs 6 through 10 above, and prior to Campos-Brambila's sexual assault and sexual abuse of Plaintiff's Decedent, Defendants knew, or reasonably should have known that:

11.1 Their patients and/or residents are and were elderly, vulnerable, and, in many instances, lacking physical or mental capacity to protect themselves;

11.2 While caring for its patients and/or residents, Campos-Brambila engaged in common Grooming behavior;

11.3 Campos-Brambila closed the blinds, the door, or otherwise secluded himself so as to not be seen and/or detected while carrying out his CNA duties and giving him unsupervised access to Defendants' patients and/or residents.

Nonetheless, Defendants allowed Campos-Brambila to continue to serve as a CNA at Defendants' Facility and have access to, and interaction with, Defendants' residents and/or patients, including Plaintiff's Decedent.

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12.

As a result of the aforementioned sexual abuse, sexual assault, molestation, breach of authority, breach of trust, and position as a CNA, Plaintiff's Decedent suffered to the end of her life, severe and debilitating mental and emotional injury, including mental and emotional pain and suffering, anxiety, shame, humiliation, emotional trauma, and permanent psychological damage. All of the aforementioned injuries caused Plaintiff's Decedent to incur noneconomic damages in the amount of \$5,000,000.00.

13.

As an additional result and consequence of the aforementioned sexual abuse, sexual assault, molestation, breach of authority, breach of trust, and position as a CNA, Plaintiff's Decedent incurred economic damages in the approximate amount \$25,000.00, the exact amount of which will be proven at the time of trial.

FIRST CLAIM FOR RELIEF

(Sexual Battery/Respondeat Superior)

14.

Plaintiff realleges and incorporates by reference paragraphs 1 through 13 above.

15.

While acting within the course and scope of his agency with Defendants, Campos-Brambila sexually abused and/or sexually assaulted Plaintiff's Decedent in connection with Campos-Brambila's CNA activities as described above. The sexual abuse and/or sexual assault constituted harmful and offensive touching of Plaintiff's Decedent, to which Plaintiff's Decedent did not and/or could not consent.

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16.

As a result and consequence of Campos-Brambila's sexual abuse, sexual assault, breach of authority, trust and position as a CNA, Plaintiff's Decedent incurred noneconomic and economic damages as detailed above.

17.

In sexually abusing and/or sexually assaulting Plaintiff's Decedent in connection with Campos-Brambila's CNA activities, Campos-Brambila acted with malice or a reckless and outrageous indifference to a highly unreasonable risk of harm and with a conscious indifference to the health, safety and welfare of Plaintiff's Decedent. Punitive damages against an agent are attributable to a principal when acts committed within the course and scope of agency lead to, or result in, a tort. Pursuant to ORS 31.275, Plaintiff hereby provides notice of his intent to move to add allegations of punitive damages against Defendants at any time after the filing of this Complaint.

SECOND CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress/*Respondeat Superior*)

18.

Plaintiff realleges and incorporates by reference paragraphs 1 through 17 above.

19.

Campos-Brambila, while engaging in the Grooming process, knowingly and intentionally caused severe emotional distress and physical injury to Plaintiff's Decedent when Campos-Brambila sexually abused and/or sexually assaulted Plaintiff's Decedent in connection with his CNA activities as described above. In the alternative and/or in conjunction with the Grooming, acts committed within the course and scope of Campos-Brambila's agency with Defendants led

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1 to and/or resulted in Campos-Brambila knowingly and intentionally causing severe emotional
2 distress and physical injury to Plaintiff's Decedent. Plaintiff's Decedent did, in fact, suffer severe
3 emotional distress as a result of the sexual abuse and/or sexual assault, and sexual abuse
4 and/or sexually assault of an elderly or vulnerable person is beyond the bounds of all socially
5 tolerable conduct.

6 20.

7 As a result of Campos-Brambila's sexual abuse, sexual assault and breach of authority,
8 trust and position as a CNA for Plaintiff's Decedent, Plaintiff's Decedent incurred noneconomic
9 and economic damages as detailed above.

10 21.

11 In sexually abusing and/or sexually assaulting Plaintiff's Decedent in connection with
12 Campos-Brambila's CNA activities, Campos-Brambila acted with malice or a reckless and
13 outrageous indifference to a highly unreasonable risk of harm and with a conscious indifference
14 to the health, safety and welfare of Plaintiff's Decedent. Punitive damages against an agent are
15 attributable to a principal when acts committed within the course and scope of agency lead to,
16 or result in, a tort. Pursuant to ORS 31.275, Plaintiff hereby provides notice of his intent to
17 move to add allegations of punitive damages against Defendants at any time after the filing of
18 this Complaint.

19 **THIRD CLAIM FOR RELIEF**

20 **(Negligence)**

21 22.

22 Plaintiff realleges and incorporates by reference paragraphs 1 through 21 above.

23 ///

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23.

Defendants established a special relationship with Plaintiff's Decedent as her health care provider. That relationship created a duty on the part of Defendants to ensure that the care and support provided to Plaintiff's Decedent were made as reasonably safe as possible from known dangers or those that should have been reasonably known. Alternatively, or in conjunction with the above, Plaintiff's Decedent had a special relationship with Defendants as an elderly or vulnerable person and entrusted to the care and control of Defendants. The special relationship created a duty of care on the part of Defendants to ensure Plaintiff's Decedent's safety while a resident and/or patient at Defendant's Facility.

24.

Defendants knew that its residents and/or patients, including Plaintiff's Decedent, were at risk of sexual abuse or sexual assault while in Defendant's Facility and/or care, including the abuse committed by Campos-Brambila.

25.

Despite the knowledge set forth above, Defendants created a foreseeable risk of its employees, including but not limited to Campos-Brambila, abusing residents and/or patients while residing at Defendants' Facility, and failed to undertake reasonable abuse prevention measures in one or more of the following ways:

25.1 Conducting appropriate background checks for its employees;

25.2 In failing to supervise, monitor, or otherwise check the activities of its CNAs, including but not limited to while changing of incontinence briefs, cleaning or washing of genitals and the areas of sexual organs, and while having access to patients' personal or intimate space;

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1 25.3 In failing to train its employees and staff in how to recognize, prevent, report and
2 respond to common warning signs indicating abuse;

3 25.4 In allowing or permitting its employees to close blinds, close doors or undertake
4 other activities that would enable its employees to abuse residents and/or
5 patients in any way.

6 These actions and/or inactions created a foreseeable risk of harm, including sexual abuse
7 and/or sexual assault, to its residents at Defendants' Facility, including Plaintiff's Decedent.

8 26.

9 Plaintiff's Decedent was a member of the class of individuals to be protected by
10 reasonable abuse prevention measures and the harm alleged is the type of harm one would
11 expect to occur by failing to take reasonable abuse prevention measures.

12 27.

13 In acting or failing to act as alleged in paragraphs 22 through 26 above, Defendants
14 acted with malice or a reckless and outrageous indifference to a highly unreasonable risk of
15 harm and with a conscious indifference to the health, safety and welfare of Plaintiff's Decedent.
16 Punitive damages against an agent are attributable to a principal when acts committed within
17 the course and scope of agency lead to, or result in, a tort. Pursuant to ORS 31.275, Plaintiff
18 hereby provides notice of his intent to move to add allegations of punitive damages against
19 Defendants at any time after the filing of this Complaint.

20 **FOURTH CLAIM FOR RELIEF**

21 **(Statutory Negligence)**

22 28.

23 Plaintiff realleges and incorporates by reference paragraphs 1 through 27 above.

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29.

Defendants were statutorily negligent in one or more of the following ways:

29.1 In violating Plaintiff's Decedent's civil rights to be free from mental and physical abuse, corporal punishment, and involuntary seclusion in violation of ORS 411.605(7) and OAR 411-085-0310(7);

29.2 In failing to ensure the provision of a safe environment for Plaintiff's Decedent to protect her from injury in violation of OAR 411-086-0140(2);

29.3 In failing to take reasonable precautions to protect Plaintiff's Decedent from injury in violation of OAR 411-086-0140(2)(b).

These actions and/or inactions created a foreseeable risk of harm, including sexual abuse and/or sexual assault, to its residents at Defendants' Facility, including Plaintiff's Decedent.

30.

Plaintiff's Decedent was a member of the class of individuals to be protected by reasonable abuse prevention measures and the harm alleged is the type of harm one would expect to occur by failing to take reasonable abuse prevention measures.

31.

In acting or failing to act as alleged in paragraphs 22 through 29 above, Defendants acted with malice or a reckless and outrageous indifference to a highly unreasonable risk of harm and with a conscious indifference to the health, safety and welfare of Plaintiff's Decedent. Punitive damages against an agent are attributable to a principal when acts committed within the course and scope of agency lead to, or result in, a tort. Pursuant to ORS 31.275, Plaintiff hereby provides notice of his intent to move to add allegations of punitive damages against Defendants at any time after the filing of this Complaint.

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FIFTH CLAIM FOR RELIEF

(Elder Abuse)

32.

Plaintiff realleges and incorporates by reference paragraphs 1 through 31 above.

33.

Defendants, by and through its agent Campos-Brambila, physically abused Plaintiff's Decedent in violation of: ORS 124.105(a), assault; 124.105(c), recklessly endangering another person, 124.105(e), rape; 124.105(g) unlawful sexual penetration; and 124.105(h), sexual abuse.

34.

Plaintiff's Decedent was a member of the class of individuals to be protected by the statutory protections afforded vulnerable person under ORS 124.100, et. seq. and the harm alleged is that described in said statutes and, therefore, is entitled to all remedies therein including, but not limited to, ORS 124.100(2).

35.

In acting or failing to act as alleged in paragraphs 32 through 34 above, Defendants acted with malice or a reckless and outrageous indifference to a highly unreasonable risk of harm and with a conscious indifference to the health, safety and welfare of Plaintiff's Decedent. Punitive damages against an agent are attributable to a principal when acts committed within the course and scope of agency lead to, or result in, a tort. Pursuant to ORS 31.275, Plaintiff hereby provides notice of his intent to move to add allegations of punitive damages against Defendants at any time after the filing of this Complaint.

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36.

Plaintiff requests a jury trial on all causes of actions and claims for relief.

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, for his Decedent's economic damages in the amount of \$25,000.00, for his Decedent's noneconomic damages in the amount of \$5,000,000.00, for treble damages of all economic and noneconomic damages together with his reasonable attorneys fees pursuant to ORS 124.100(2), for and for his reasonable costs and disbursements.

DATED this 20 day of July, 2022.

Respectfully submitted,

SWANSON, LATHEN, PRESTWICH, P.C.



Travis S. Prestwich, OSB No. 003617
Of Attorneys for Plaintiff
tprestwich@slamlaw.com

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

DAROLD D. NEWTON, as Personal)
Representative for the ESTATE OF SHARON) Case No. 22CV24876
S. NEWTON,)
Plaintiff,)
SUMMONS
v.)
LIFE CARE CENTERS OF AMERICA, INC.,)
a Tennessee corporation, dba LIFE CARE)
CENTER OF MCMINNVILLE, an assumed)
business name, MCMINNVILLE MEDICAL)
INVESTORS, LLC, a Tennessee limited)
liability company, DEVELOPERS)
INVESTMENT COMPANY, INC., a Tennessee)
corporation,)
Defendants.)

To: Corporation Service Company, Registered Agent for Life Care Centers of America, Inc.,
DBA Life Care Centers of McMinnville
1127 Broadway Street NE, Suite 310, Salem, Oregon 97301

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.


SIGNATURE OF OREGON RESIDENT ATTORNEY

Travis S. Prestwich, OSB No. 00361
TYPE OR PRINT NAME OF RESIDENT ATTORNEY

STATE OF OREGON:)
County of Marion) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

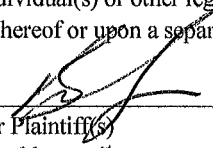
/s/ Travis S. Prestwich
ATTORNEY OF RECORD FOR PLAINTIFF(S)



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TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.



Attorney(s) for Plaintiff(s)

Post Office address at which papers in the above entitled action may be served by mail:

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Page 2 – SUMMONS 2040 Commercial St SE, Suite 200 • Salem, Oregon 97302 • TEL: 503.581.2421 • TOLL-FREE: 1.800.422.4041 • FAX: 503.588.7179

AFFIDAVIT OF SERVICE

State of Oregon

County of Multnomah

Circuit Court

Case Number: 22CV24876

Plaintiff: DAROLD D. NEWTON, as Personal Representative for the ESTATE
OF SHARON S. NEWTON

vs.

Defendant: LIFE CARE CENTERS OF AMERICA, INC, et al

For:

Travis Prestwich
Swanson Lathen Prestwich, PC
3040 Commercial St SE
Ste 200
Salem, OR 97302

Received by MALSTROM'S PROCESS SERVING CO. on the 9th day of August, 2022 at 10:59 pm to be served on
LIFE CARE CENTERS OF AMERICA, INC. dba LIFE CARE CENTERS OF MCMINNVILLE R/A: CORPORATION
SERVICE COMPANY, 1127 BROADWAY ST NE, STE 310, SALEM, OR 97301.

I, Bobby Chandler, being duly sworn, depose and say that on the 11th day of August, 2022 at 9:35 am, I:

SERVED the within named LIFE CARE CENTERS OF AMERICA, INC. dba LIFE CARE CENTERS OF
MCMINNVILLE at 1127 BROADWAY ST NE, STE 310, SALEM, OR 97301 by personally serving a true copy of
the **Summons and Complaint** upon AUDREY GROOM, who is a clerk on duty in the office of the Registered
Agent and who is authorized to accept service.

CERTIFICATION OF MAILING: I certify that on 8/15/2022 a true copy of *Summons and Complaint* along with a
statement regarding the date, time and manner of service was mailed to LIFE CARE CENTERS OF AMERICA, INC.
dba LIFE CARE CENTERS OF MCMINNVILLE R/A: CORPORATION SERVICE COMPANY at 1127 BROADWAY
ST NE, STE 310, SALEM, OR 97301 by First Class Mail postage paid.

Description of Person Served: Age: 25, Sex: F, Race/Skin Color: CAUCASIAN, Height: 5'8", Weight: 200, Hair:
BROWN, Glasses: N

I declare I am a resident of the State of Oregon. I am a competent person 18 years of age or older and not a party to
or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this
action. I hereby declare that the above statement is true to the best of my knowledge and belief, and that I
understand it is made for use as evidence in court and is subject to penalty for perjury.

STATE OF Oregon

County of marion

Subscribed and Sworn to before me on the 15th day
of August, 2022 by the affiant who is
personally known to me or has provided identification.

Olivia Lundin
NOTARY PUBLIC

Bobby Chandler
Bobby Chandler
Process Server

Date 8/15/2022

MALSTROM'S PROCESS SERVING CO.
155 Culver Lane S
Salem, OR 97302
(503) 585-0234

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*Life Care Centers of America, Inc.
d/b/a Life Care Centers of McMinnville
R/A: Corporation Service Company
1127 Broadway St NE, Ste 310
Salem, OR 97301*

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

DAROLD D. NEWTON, as Personal)
Representative for the ESTATE OF SHARON) Case No. 22CV24876
S. NEWTON,)
Plaintiff,)
SUMMONS)
v.)
LIFE CARE CENTERS OF AMERICA, INC.,)
a Tennessee corporation, dba LIFE CARE)
CENTER OF MCMINNVILLE, an assumed)
business name, MCMINNVILLE MEDICAL)
INVESTORS, LLC, a Tennessee limited)
liability company, DEVELOPERS)
INVESTMENT COMPANY, INC., a Tennessee)
corporation,)
Defendants.)

To: Corporation Service Company, R.A. for McMinnville Medical Investors, LLC.,
1127 Broadway Street NE, Suite 310, Salem, Oregon 97301

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.


SIGNATURE OF OREGON RESIDENT ATTORNEY

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

Travis S. Prestwich, OSB No. 00361
TYPE OR PRINT NAME OF RESIDENT ATTORNEY

STATE OF OREGON:)
County of Marion) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

/s/ Travis S. Prestwich

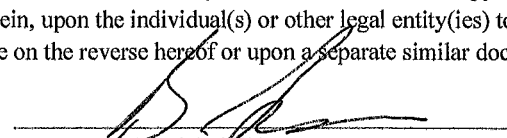
ATTORNEY OF RECORD FOR PLAINTIFF(S)



Swanson | Lathen | Prestwich | PC
THE PERSONAL INJURY LAW FIRM

3040 Commercial St SE, Suite 200 · Salem, Oregon 97302 · TEL: 503.581.2421 · TOLL-FREE: 1.800.422.4041 · FAX: 503.588.7179

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.



Attorney(s) for Plaintiff(s)

Post Office address at which papers in the above entitled action may be served by mail:

Swanson | Lathen | Prestwich | PC
THE PERSONAL INJURY LAW FIRM

Page 2 – SUMMONS 2040 Commercial St SE, Suite 200 • Salem, Oregon 97302 • TEL: 503.581.2421 • TOLL-FREE: 1.800.422.4041 • FAX: 503.588.7179

AFFIDAVIT OF SERVICE

State of Oregon

County of Multnomah

Circuit Court

Case Number: 22CV24876

Plaintiff: **DAROLD D. NEWTON, as Personal Representative for the ESTATE OF SHARON S. NEWTON**

vs.

Defendant: **LIFE CARE CENTERS OF AMERICA, INC, et al**

For:

Travis Prestwich
Swanson Lathen Prestwich, PC
3040 Commercial St SE
Ste 200
Salem, OR 97302

Received by MALSTROM'S PROCESS SERVING CO. on the 9th day of August, 2022 at 10:59 pm to be served on **MCMINNVILLE MEDICAL INVESTORS, LLC R/A: CORPORATION SERVICE COMPANY, 1127 BROADWAY ST NE, STE 310, SALEM, OR 97301.**

I, Bobby Chandler, being duly sworn, depose and say that on the **11th day of August, 2022 at 9:35 am, I:**

SERVED the within named **MCMINNVILLE MEDICAL INVESTORS, LLC at 1127 BROADWAY ST NE, STE 310, SALEM, OR 97301** by personally serving a true copy of the **Summons and Complaint** upon **AUDREY GROOM**, who is a clerk on duty in the office of the Registered Agent and who is authorized to accept service.

CERTIFICATION OF MAILING: I certify that on **8/15/2022** a true copy of *Summons and Complaint* along with a statement regarding the date, time and manner of service was mailed to **MCMINNVILLE MEDICAL INVESTORS, LLC R/A: CORPORATION SERVICE COMPANY at 1127 BROADWAY ST NE, STE 310, SALEM, OR 97301** by First Class Mail postage paid.

Description of Person Served: Age: 25, Sex: F, Race/Skin Color: CAUCASIAN, Height: 5'8", Weight: 200, Hair: BROWN, Glasses: N

I declare I am a resident of the State of Oregon. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action. I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

STATE OF Oregon

County of marion

Subscribed and Sworn to before me on the 15th day of August, 2022 by the affiant who is personally known to me or has provided identification.

Olivia Lundin
NOTARY PUBLIC



Bobby Chandler
Bobby Chandler
Process Server

Date

8/15/2022
MALSTROM'S PROCESS SERVING CO.
155 Culver Lane S
Salem, OR 97302
(503) 585-0234

Our Job Serial Number: ONE-2022003549

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*McMinnville Medical Investors, LLC
R/A: Corporation Service Company
1127 Broadway St NE, Ste 310
Salem, OR 97301*

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

DAROLD D. NEWTON, as Personal)
Representative for the ESTATE OF SHARON) Case No. 22CV24876
S. NEWTON,)
Plaintiff,)
SUMMONS
v.)
LIFE CARE CENTERS OF AMERICA, INC.,)
a Tennessee corporation, dba LIFE CARE)
CENTER OF MCMINNVILLE, an assumed)
business name, MCMINNVILLE MEDICAL)
INVESTORS, LLC, a Tennessee limited)
liability company, DEVELOPERS)
INVESTMENT COMPANY, INC., a Tennessee)
corporation,)
Defendants.)

To: Corporation Service Company, Registered Agent for Developers Investment Company,
Inc., 1127 Broadway Street NE, Suite 310, Salem, Oregon 97301

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.


SIGNATURE OF OREGON RESIDENT ATTORNEY

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

Travis S. Prestwich, OSB No. 00361
TYPE OR PRINT NAME OF RESIDENT ATTORNEY

STATE OF OREGON:)
County of Marion) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

/s/ Travis S. Prestwich
ATTORNEY OF RECORD FOR PLAINTIFF(S)



Swanson | Lathen | Prestwich | PC
THE PERSONAL INJURY LAW FIRM

3040 Commercial St SE, Suite 200 · Salem, Oregon 97302 · TEL: 503.581.2421 · TOLL-FREE: 1.800.422.4041 · FAX: 503.588.7179

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.



Attorney(s) for Plaintiff(s)

Post Office address at which papers in the above entitled action may be served by mail:

Swanson | Lathen | Prestwich | PC
THE PERSONAL INJURY LAW FIRM

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AFFIDAVIT OF SERVICE

State of Oregon

County of Multnomah

Circuit Court

Case Number: 22CV24876

Plaintiff: DAROLD D. NEWTON, as Personal Representative for the ESTATE
OF SHARON S. NEWTON

vs.

Defendant: LIFE CARE CENTERS OF AMERICA, INC, et al

For:

Travis Prestwich
Swanson Lathen Prestwich, PC
3040 Commercial St SE
Ste 200
Salem, OR 97302

Received by MALSTROM'S PROCESS SERVING CO. on the 9th day of August, 2022 at 10:59 pm to be served on
DEVELOPERS INVESTMENT COMPANY, INC. R/A: CORPORATION SERVICE COMPANY, 1127 BROADWAY
ST NE, STE 310, SALEM, OR 97301.

I, Bobby Chandler, being duly sworn, depose and say that on the 11th day of August, 2022 at 9:35 am, I:

SERVED the within named DEVELOPERS INVESTMENT COMPANY, INC. at 1127 BROADWAY ST NE, STE
310, SALEM, OR 97301 by personally serving a true copy of the **Summons and Complaint** upon AUDREY
GROOM, who is a clerk on duty in the office of the Registered Agent and who is authorized to accept service.

CERTIFICATION OF MAILING: I certify that on 8/15/2022 a true copy of *Summons and Complaint* along with a
statement regarding the date, time and manner of service was mailed to DEVELOPERS INVESTMENT COMPANY,
INC. R/A: CORPORATION SERVICE COMPANY at 1127 BROADWAY ST NE, STE 310, SALEM, OR 97301 by
First Class Mail postage paid.

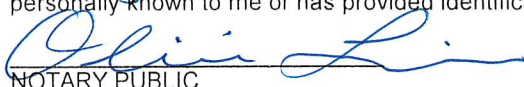
Description of Person Served: Age: 25, Sex: F, Race/Skin Color: CAUCASIAN, Height: 5'8", Weight: 200, Hair:
BROWN, Glasses: N

I declare I am a resident of the State of Oregon. I am a competent person 18 years of age or older and not a party to
or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this
action. I hereby declare that the above statement is true to the best of my knowledge and belief, and that I
understand it is made for use as evidence in court and is subject to penalty for perjury.

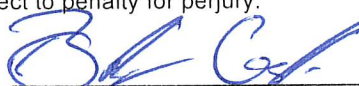
STATE OF Oregon

County of marion

Subscribed and Sworn to before me on the 15th day
of August, 2022 by the affiant who is
personally known to me or has provided identification.


NOTARY PUBLIC





Bobby Chandler
Process Server

Date

8/15/2022

MALSTROM'S PROCESS SERVING CO.
155 Culver Lane S
Salem, OR 97302
(503) 585-0234

Our Job Serial Number: ONE-2022003548

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R/A: Corporation Service Company
1127 Broadway St NE, Ste 310
Salem, OR 97301*

SUB-SERVICE COPY